

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

Jerry Sublett)
)
Plaintiff,)
)
v.)
)
HISCO, INC.,)
)
Defendant.)

Case No.: 7-24-CV-00758

ANSWER AND GROUNDS OF DEFENSE

COMES NOW the Defendant, Hisco, Inc., by counsel, and in and for its Answer and Grounds of Defense in response to the Complaint, states as follows:

1. Paragraph 1 contains legal conclusions to which no response is required. To the extent any response is required, Defendant admits Virginia law applies.
2. Paragraph 2 contains legal conclusions to which no response is required. To the extent any response is required, Defendant admits this Court has diversity jurisdiction over the dispute.
3. Paragraph 3 contains legal conclusion to which no response is required. To the extent any response is required, Defendant admits venue is proper.
4. In response to the allegations set forth in Paragraph 4, Defendant lacks sufficient information to admit or deny the allegations, therefore, they are denied and strict proof is demanded thereof.
5. The allegations set forth in Paragraph 5 are denied as pleaded.
6. In response to the allegations set forth in Paragraph 6, the allegations are denied as pleaded.

Defendant Hisco, Inc. admits that on October 31, 2022 Sublett was employed by Elbit

Systems of America in Roanoke, Virginia.

7. In response to the allegations set forth in Paragraph 7, Defendant lacks sufficient information to admit or deny the allegations, therefore, they are denied and strict proof is demanded thereof. Defendant further understands the employer at issue is Elbit Systems of America.
8. The allegations set forth in Paragraph 8 are denied and strict proof is demanded thereof.
9. The allegations set forth in Paragraph 9 are denied and strict proof is demanded thereof.
10. In response to the allegations set forth in Paragraph 10, this paragraph contains legal conclusions to which no response is required. To the extent any response is required, Defendant lacks sufficient information to admit or deny the allegations, as pleaded, therefore, they are denied and strict proof is demanded thereof.
11. Defendant admits hydrochloric acid is an inherently dangerous product. Defendant denies that the product at issue, specifically the barrel and bung, is an inherently dangerous product.
12. In response to the allegations set forth in Paragraph 12, Defendant lacks sufficient information to admit or deny the allegations, therefore, they are denied and strict proof is demanded thereof.
13. In response to the allegation set forth in Paragraph 13, Defendant lacks sufficient information to admit or deny the allegations, therefore, they are denied and strict proof is demanded thereof.
14. The allegations set forth in Paragraph 14 are denied and strict proof is demanded thereof.
15. The allegations set forth in Paragraph 15 are denied and strict proof is demanded thereof.

16. In response to the allegations set forth in Paragraph 16, Defendant lacks sufficient information to admit or deny the allegations, therefore, they are denied and strict proof is demanded thereof.
17. In response to the allegations set forth in Paragraph 17, Defendant lacks sufficient information to admit or deny the allegations, therefore, they are denied and strict proof is demanded thereof.
18. In response to the allegations set forth in Paragraph 18, Defendant adopts and incorporates by reference all prior responses as if set forth fully herein.
19. The allegations set forth in Paragraph 19 are denied and strict proof is demanded thereof.
20. The allegations set forth in Paragraph 20 are denied and strict proof is demanded thereof.
21. The allegations set forth in Paragraph 21 are denied and strict proof is demanded thereof.
22. The allegations set forth in Paragraph 22 are denied and strict proof is demanded thereof.
23. The allegations set forth in Paragraph 23 are denied and strict proof is demanded thereof.

BY WAY OF FURTHER Answer and Grounds of Defense, Defendant Hisco, Inc. submits the following:

- a) Defendant denies that it manufactured the barrel involved in the alleged incident and demands strict proof thereof.
- b) Defendant denies that it designed the barrel at issue in this Complaint and demands strict proof thereof.
- c) Defendant denies that the barrel at issue in this case was ever in Hisco's possession.

Based on the information known, it appears to have been delivered directly from the manufacturer to Elbit Systems through Elbit Systems' shipping contractor.

- d) Defendant denies any act or omission constituting negligence and demands strict proof of all elements of liability including duty, breach, causation and damages.
- e) Defendant denies that it is indebted to the Plaintiff under any theory of law and demands strict proof thereof.

WHEREFORE the foregoing considered, Defendant, by counsel, moves this Court to dismiss the case with prejudice and award costs expended.

TRIAL BY JURY IS DEMANDED ON ALL ISSUES

HISCO, INC.
By Counsel

McGAVIN, BOYCE, BARDOT,
THORSEN & KATZ, P.C.

Anna G. Zick /s/
Anna G. Zick
Virginia State Bar No. 86057
9990 Fairfax Boulevard, Suite 400
Fairfax, VA 22030
(703) 385-1000 (Telephone)
(703) 385-1555 (Facsimile)
azick@mbbtklaw.com
Counsel for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of April, 2025, I electronically filed the foregoing Answer and Grounds of Defense with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

M. Paul Valois
VSB No. 72326
JAMES RIVER LEGAL ASSOCIATES
7601 Timberlake Road
Lynchburg, Virginia 24502
(434) 845-4529 (Telephone)
(434) 845-8536 (Facsimile)
mvalois@vbclegal.com
Counsel for Plaintiff

/s/ Anna G. Zick

Anna G. Zick
Virginia State Bar No. 86057
9990 Fairfax Boulevard, Suite 400
Fairfax, VA 22030
(703) 385-1000 (Telephone)
(703) 385-1555 (Facsimile)
azick@mbbtklaw.com
Counsel for Defendant